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Security Council

Sixty-fourth year

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Wednesday, 14 October 2009, 10 a.m.

New York

President:	Mr. Le Luong Minh	(Viet Nam)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Guillermet
	Croatia	Mr. Skračić
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Shalgham
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Mr. Wolff

Agenda

The situation in the Middle East, including the Palestinian question

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09-55731 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Bangladesh, Brazil, Cuba, Ecuador, Egypt, Iceland, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Liechtenstein , Malaysia, Morocco, Nicaragua, Pakistan, South Africa, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, the United Republic of Tanzania and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Shalev (Israel) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 13 October 2009 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2009/531 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority, to participate in the meeting of the Security Council that will be held on Wednesday, 14 October 2009, regarding the situation in the Middle East, including the Palestinian question."

I propose, with the consent of the Council, to invite Mr. Al-Malki to participate in the meeting, in accordance with the provisional rules of procedure and previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Malki (Palestine) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 12 October 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations, in which he requests that the Permanent Observer of the League of Arab States to the United Nations, His Excellency Mr. Yahya Mahmassani, be invited to participate in the consideration of the item in accordance with rule 39 of the Council's provisional rules of procedure. If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mahmassani.

There being no objection, it is so decided.

I invite Mr. Mahmassani to take the seat reserved for him at the side of the Council Chamber.

I should like to inform the Council that I have received a letter dated 8 October 2009 from His Excellency Mr. Paul Badji, Permanent Representative of Senegal, in which he requests to be invited, in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to participate in the consideration of the item on the Council's agenda. If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Paul Badji.

There being no objection, it is so decided.

I invite Mr. Badji to take the seat reserved for him at the side of the Council Chamber.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to whom I give the floor.

Mr. Pascoe: Since Special Coordinator Serry last briefed the Security Council on 17 September (see S/PV.6190), political efforts to resolve the Arab-Israeli conflict have continued, but there has been no significant progress on the ground and some worrying developments have emerged.

On 21 September, in the first face-to-face meeting of Israeli and Palestinian leaders since 2008, President Obama urged the parties to meet their responsibilities and personally committed himself to help them restart negotiations. He stressed to the General Assembly the illegitimacy of continued settlements, as well as the suffering inflicted by the ongoing conflict on Palestinian and Israeli civilians. He detailed his goal of urgently starting talks, without preconditions, on the key issues of security for Israelis and Palestinians, borders, refugees and Jerusalem.

The Quartet met on 24 September and supported President Obama's efforts to relaunch negotiations, stressing the urgency of progress. The Quartet also reiterated its call on the parties to implement their Road Map commitments, and in particular for Israel to freeze all settlement activity, including natural growth, and refrain from provocative actions in East Jerusalem, and for the Palestinian Authority to make every effort to improve law and order, fight extremism and end incitement.

Both the Quartet and the Ad Hoc Liaison Committee (AHLC), which met on 22 September, expressed support for the Palestinian Authority's plan to construct the institutions of a Palestinian State within 24 months. AHLC members noted that effective reform efforts by the Palestinian Authority and donor-funded fiscal stimulus were the primary drivers of economic growth in the West Bank. The Government of Israel's relaxation of some restrictions on the movement of goods and people within the West Bank has complemented these efforts.

United States envoy Mitchell returned from the region on 12 October. Further discussions between the United States, Israeli and Palestinian interlocutors are now expected to take place in Washington in the days ahead. However, even with the full determination and support of the international community to achieve the two-State solution, the essential ingredient is the political will of the parties to meet their obligations and negotiate an end to the conflict.

As the parties returned from New York, tensions increased on the ground. There were a number of incidents in East Jerusalem centred around Al-Haram Al-Sharif/Temple Mount. Clashes started on 27 September between Israeli police and Muslim worshippers at Al-Aqsa mosque. Rumours and an atmosphere of mistrust subsequently provoked more confrontations between Palestinians and the Israeli police during the Jewish holiday of Succoth, when tens of thousands of Jewish worshippers were present in the Old City of Jerusalem.

From 28 September, the Israeli authorities imposed new restrictions on worshippers and tourists entering the compound after several hundred worshippers associated with the Islamic Movement of Northern Israel stationed themselves within the site, claiming that radical Jewish groups were intending to alter the status quo at the compound. The Israeli authorities strongly denied these rumours. Bitter accusations from both sides, however, underline the gulf of mistrust that exists.

The Hashemite Kingdom of Jordan was active in negotiating between the Israeli authorities and the Islamic Movement members for an orderly end to the stand-off, and Special Coordinator Serry visited the compound and was in close touch with the parties to urge calm. By Saturday, 10 October, the restrictions imposed on 28 September had been lifted.

The status of the Old City and the religious sites within it are extremely sensitive issues that will be fully resolved only in final status negotiations. Until then, the repeated call of the Quartet on Israel to refrain from provocative actions in East Jerusalem and on the Palestinian Authority to refrain from incitement remains more relevant than ever. The Secretary-General continues to appeal to all sides to exercise restraint.

While the immediate crisis may have passed, we remain concerned about the broader situation in East Jerusalem and the potential for renewed tensions. On 12 October, the Israeli authorities carried out demolition orders against two Palestinian buildings in the Beit Hanina area of East Jerusalem. On 7 October, the cornerstone was laid for the further expansion of the Nof Zion settlement in the heart of the Palestinian neighbourhood of Jabal Mukabbir in East Jerusalem.

Settlement activity is illegal and undermines the efforts of all those who are striving for peace.

Throughout the West Bank, including East Jerusalem, levels of violence remained constant during the most recent reporting period. In total, there were two Palestinians killed and 105 injured, and 35 Israelis injured. Serious incidents took place at the Qalandiya checkpoint, where several Palestinians were injured; at Hussan checkpoint, where a Palestinian was shot and killed; and at Shu'fat checkpoint near Jerusalem, where an Israeli border policeman was stabbed by a Palestinian youth. There were 23 recorded incidents of violence involving settlers attacking Palestinians and their property during the reporting period, and seven recorded incidents of Palestinian attacks on settlers.

As of 29 September 2009, there were 592 movement obstacles in the West Bank, down from 618 in August. Of the 100 closure obstacles that the Israeli authorities announced that they would remove immediately prior to last month's briefing, the Office for the Coordination of Humanitarian Affairs (OCHA) has been able to confirm that 35 were removed and 22 remain in place. The remaining 43 obstacles were not recorded in the OCHA database.

In addition to these developments, tensions among Palestinians were heightened in the aftermath of the deferral of consideration by the Human Rights Council of the report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict headed by Justice Richard Goldstone, which was presented to the Human Rights Council on 29 September. The deferral led to severe criticism among a wide range of Palestinian institutions and factions and the public, which included the affected populations and organizations in the region; heavy incitement against President Abbas from Hamas leaders; and public demonstrations of discontent. On 11 October, President Abbas indicated that he had given instructions to seek a special session of the Human Rights Council on the report, and such a session has now been scheduled for 15 and 16 October.

Members will recall that, at the beginning of 2009, the Secretary-General visited both Gaza and southern Israel in order to help end the fighting and to show his respect and concern for the deaths and injuries of so many people during the conflict in and around Gaza. He was and remains deeply affected by the widespread death, destruction and suffering in Gaza City, as well as moved by the plight of civilians in southern Israel who have been subject to indiscriminate rocket and mortar fire for too long.

The Secretary-General believes that international humanitarian law needs to be fully respected and that civilians must be protected in all situations and circumstances. As he said in his address to the General Assembly, where conflicts arise justice and accountability should follow. Accordingly, the Secretary-General has from the outset supported the work of the Fact-Finding Mission.

The report makes a number of recommendations for ensuring accountability for perpetrators and redress for victims. It calls on the Government of Israel to conduct independent investigations into the many allegations of serious violations of international humanitarian and human rights law committed during the Gaza conflict. It similarly calls on Hamas — the relevant authority in Gaza — to initiate genuine and effective proceedings into the many allegations of serious violations of international humanitarian and human rights law committed by forces under its control, and calls on Palestinian armed groups to undertake to respect international humanitarian law by renouncing attacks on Israeli civilians.

As the Secretary-General has said repeatedly, peace and justice are two sides of the same coin. The Secretary-General calls upon all of the parties to carry out credible domestic investigations into the conduct of the conflict without delay. He hopes that such steps will be taken wherever there are credible allegations of human rights abuses throughout the world.

The broader situation in Gaza, especially the continued closure policy, remains unsustainable and unacceptable. Resolution 1860 (2009) contains the elements of a more strategic and principled approach, but key elements remain unfulfilled. The situation in Gaza cannot be left to further deteriorate and unravel.

After several months of relative calm, there was a worrying increase in violence between Gaza and Israel in the reporting period, with 12 projectiles fired from Gaza into Israel, including seven in one day on 28 September, as well as nine Israeli incursions and 12 air strikes. It is essential that calm not only be restored but solidified. Seven Palestinians, including two civilians, were killed and 15 more, including three children, were injured in these incidents. We continue to be concerned about reports of the smuggling of

weapons into Gaza as well as the continued closure of the Strip.

No exports were allowed out of Gaza during the reporting period, and food and hygiene items continue to make up the bulk of imports. During his meeting last month with Prime Minister Netanyahu, the Secretary-General expressed his disappointment that, despite extensive discussions, there had been no Israeli approval of the United Nations Gaza recovery proposals for schools, clinics and housing, which are strongly supported by the Quartet and the AHLC. The Prime Minister gave the Secretary-General his personal assurances that he would revisit the issue and Special Coordinator Serry has remained engaged with the Israeli authorities.

Despite ongoing recriminations among Palestinian factions, Egypt is continuing intensive efforts to secure the agreement of all factions to proposals to overcome the Palestinian divide and hold elections in the first half of 2010. We continue to support efforts to reunite Gaza with the West Bank within the framework of the legitimate Palestinian Authority, as called for by the Quartet.

Between 2 and 4 October, Israel released 20 Palestinian female detainees after Hamas presented, through a German mediator, a film clip showing Israeli Corporal Gilad Shalit alive and in good health. We certainly welcome these developments.

We continue to stress that efforts on the Israeli-Palestinian track must be situated within the broader context of comprehensive Arab-Israeli peace. On the ground, the situation in the occupied Syrian Golan was quiet during the reporting period, although Israeli settlement activity continues there. Syrian Deputy Foreign Minister Faysal Mikdad met with senior United States officials in Washington, D.C., following the General Assembly's general debate. After the visit of President Al-Assad to Saudi Arabia on 23 September, King Abdullah of Saudi Arabia arrived in Syria on 7 October for a two-day summit with President Al-Assad in an important visit for the region.

Let me now turn to developments in Lebanon. On 16 September, Lebanese President Sleiman reappointed parliamentary majority leader Saad Hariri as Prime Minister-designate. Mr. Hariri has since been engaged in intense consultations with all parliamentary factions aimed at reaching agreement on the composition of a new Cabinet and its programme. We continue to believe that the early formation of a Government supported by all is critical to enabling the country to face important challenges in the political, economic, social and security spheres.

On 7 October, eight people were wounded when a rocket-propelled grenade exploded in the Jabal Mohsen neighbourhood of Tripoli. There was also a hand-grenade blast in another neighbourhood of the city. While these incidents were contained, they are an ongoing test of Lebanon's stability. Efforts to reconstruct the Nahr el-Bared refugee camp have been further delayed by the discovery of archaeological artefacts. The Secretary-General remains hopeful that the reconstruction of Nahr el-Bared can resume without further delay.

The situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) generally remains quiet. In the evening of 12 October, an explosion took place at a residential building in the village of Tayr Filsay, just south of the Litani River. The cause and circumstances of the incident are not yet entirely clear. If it was due to the explosion of a rocket or ammunition, this would be a clear violation of resolution 1701 (2006). UNIFIL, in close cooperation with the Lebanese Armed Forces, is conducting an investigation into the incident, which is still ongoing. UNIFIL and the Lebanese Armed Forces are continuing intensified operational activities in sensitive areas from which rockets could be launched. Israeli air violations continue on a daily basis.

Efforts to resume the political track are continuing, and have our full support. However, the pattern of events over the past month in the Middle East is a powerful reminder that without a credible political horizon — including commitments made, monitored and kept on the ground, and a calling to account when obligations are breached — forces of violence, tension and extremism on both sides will fill the vacuum.

Now more than ever, it is vital that politics be made credible and that those who try to undermine politics by changing facts on the ground or resorting to violence not be allowed to set the agenda. The United Nations will continue to work for a just and lasting peace in the Middle East, achieved through negotiations that are based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), previous agreements, the

Madrid framework, the Road Map and the Arab Peace Initiative.

We believe that robust third-party support will be helpful to the parties, and that the end goal of a two-State solution, based on the 1967 lines and the resolution of all core issues, can and must emerge quickly and meaningfully. If we do not go forward decisively towards the two-State solution, we may go back to more violence, suffering and the loss of hope. Once extinguished, that hope will be very difficult to rekindle.

The President: I thank Mr. Pascoe for his briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority.

Mr. Al-Malki (Palestine) (*spoke in Arabic*): On behalf of Palestine, I congratulate you warmly, Sir, on your assumption of the presidency of the Security Council and affirm our full confidence in your able and wise guidance of our important proceedings today and the Security Council's agenda this month.

I also express greatly appreciation to the delegation of the Libyan Arab Jamahiriya for its efforts to accelerate the Council's consideration of the critical and tense situation in the occupied Palestinian territory, including East Jerusalem, and particularly with regard to the disturbing findings of the United Nations Fact-Finding Mission on the Gaza Conflict. We thank as well the Arab Group, the Organization of the Islamic Conference and the Non-Aligned Movement for their endorsement of the initiative to prompt the Council to seriously consider this grave issue, in line with its Charter responsibilities.

I also wish to thank Under-Secretary-General for Political Affairs Lynn Pascoe for his important briefing today. Regrettably, all recent assessments of the situation in the occupied Palestinian territory attest to its severity on all fronts. The negative consequences of the continued failure to ensure Israel's compliance with international law and to promote appropriate conditions for the resumption of the peace process should give rise to concern in the international community.

We regret that, despite the persistent efforts of the United States Administration, the members of the Quartet, countries of the region and other concerned parties, no real progress has been made towards peace. This is precisely because of the failure to address the major issues of concern, foremost among which is the ongoing Israeli settler colonization campaign in the West Bank, especially in and around East Jerusalem, and the raging humanitarian crisis in the Gaza Strip as a consequence of Israel's military aggression and ongoing blockade. Israel's intransigence and defiance of the international will continue to jeopardize the prospects for realizing a just, lasting and comprehensive peace in the Middle East.

We are at a critical juncture. Sensitivities are rising to all-time highs and the need and calls for responsible action, accountability and justice are intense and must be heeded. In this regard, the report of the United Nations Fact Finding Mission on the Gaza Conflict, also known as the Goldstone report (A/HRC/12/48), constitutes yet another wake-up call to the international community that must not be ignored. At the same time, the explosive situation in occupied East Jerusalem, the heart of the occupied Palestinian territory, with all the attendant consequences should it spiral further out of control, remind us of the centrality of this issue to regional peace and security and require urgent attention.

With respect to Gaza, we are all too aware of the tragic consequences of the savage Israeli military aggression launched on 27 December 2008 against the defenceless and besieged Palestinian civilian population. More than 1,400 of them, including hundreds of innocent women and children were killed, and more than 5,500 were injured, many permanently, as the occupying forces rampaged through Gaza, using all means of heavy and lethal weaponry and exhibiting a callous disregard for human life. The widespread destruction deliberately wreaked by the occupying forces on the Gaza Strip remains shockingly in full view, as Israel continues to obstruct the reconstruction of thousands of homes, vital infrastructure, hospitals and schools, mosques, economic, industrial and

agricultural facilities and even United Nations facilities damaged or destroyed in the Israeli onslaught.

The continued imposition of this immoral, unlawful Israeli blockade and collective punishment of the population has insured that the Palestinian people in the Gaza Strip continue to live in misery amid the ruins of their homes, deepening their humanitarian hardship and stoking the raw feelings of injustice.

The investigation conducted by Justice Goldstone and his team to follow up the request by the Human Rights Council led to findings that clearly confirm that Israel, the occupying Power, committed serious human rights violations and grave breaches of international humanitarian law, including the Fourth Geneva Convention, that amount to war crimes and even crimes against humanity against the Palestinian people. They include the wilful killing of civilians, torture and inhuman treatment wilfully causing great suffering, serious injury to body and soul and extensive destruction of property not justified by military necessity. All this was carried out unlawfully and wantonly and gives rise to Israeli criminal responsibility.

The investigation concluded that Israel failed to take the precautions required by international law to avoid or minimize loss of civilian life, injury to civilians and damage to civilian property, flagrantly violating the principle of distinction. Moreover, it concluded that that Israeli military campaign was planned in all of its phases as a deliberately disproportionate and systematic attack aimed at punishing, humiliating and terrorizing the Palestinian civilian population, radically diminishing its domestic economic capacity to sustain itself and forcing upon it a heightened sense of dependency and vulnerability. That shocking finding is confirmed thousands of times over by the depth of the trauma and anguish suffered by the Palestinian people to this day. All the Palestinians — men, women, the disabled — suffered much, and that affirms the veracity of those facts.

The members of the United Nations Fact-Finding Mission on the Gaza Conflict — Justice Richard Goldstone, Professor Christine Chinkin, Ms. Hina Jilani and Colonel Desmond Travers — should be commended for the thorough investigation they carried out and for the comprehensive and serious report they compiled under difficult circumstances, including Israel's refusal to cooperate with the Mission. Those individuals are eminent jurists and experts of integrity and professionalism who cannot be challenged by anybody.

In that context, we are aware that the Mission investigated all allegations of violations of international law in the course of the Gaza conflict, including the allegations against the Palestinian side. While we reject any equation of the occupying Power's aggression and crimes with actions committed in response by the Palestinian side, we wish to reaffirm that there is no symmetry or proportionality between the occupier and the occupied. We take very seriously the allegations contained in the Goldstone report regarding possible Palestinian violations.

We once again affirm our respect for and conviction of the rule of law, including international humanitarian law. We reiterate the commitment, as publicly stated, to the pursuit of domestic legal investigations to address that crucial matter.

Yet what the Goldstone report essentially constitutes is another damning record of the Israeli crimes committed against our people under occupation. Its recommendations represent a significant contribution to the pursuit of accountability and justice. In this regard, while significant deterrent power is presented by this report, along with other pertinent investigations that preceded it — including the report of the Secretary-General's board of inquiry and investigations by the League of Arab States Independent Fact-Finding Committee on Gaza, the International Committee of the Red Cross, Amnesty International, Human Rights Watch and numerous other organizations — it is clear that serious and responsible follow-up at all levels is imperative. This is very important to prevent the recurrence of such Israeli crimes against our people.

Tomorrow the Human Rights Council will convene a special session based on a Palestinian initiative at the call of His Excellency President Mahmoud Abbas to rectify the malfunction that occurred at the Council in Geneva two weeks earlier. We thank all the countries that supported the request for this session. We hope that the Human Rights Council will endorse the Goldstone report and will formally convey it to the pertinent United Nations bodies, in conformity with the report's recommendations.

We firmly believe that in the long run the pursuit of accountability for war crimes will better serve the cause of peace, which cannot be attained without justice. In that connection, we recall sage words by eminent signatories of the 16 March 2009 open letter to the Secretary-General and the Security Council:

> "We have seen at first hand the importance of investigating the truth and delivering justice for the victims of conflict. We believe it is a precondition to move forward and achieve peace in the Middle East."

We thus believe that the implementation of the recommendations contained in the Goldstone report must be seriously pursued. The Security Council must uphold its Charter duty to address matters crucial to the maintenance of international peace and security. The General Assembly, the International Criminal Court, the Secretary-General, the High Commissioner for Human Rights and the international community as a whole, here at the United Nations, as High Contracting Parties to the Geneva Convention — all should act on the report's recommendations, in implementation of the principle of universal jurisdiction and in accordance with their respective roles and responsibilities. The credibility and foundations of international human rights law and humanitarian law, as well as of the United Nations as a whole, is at stake.

The world has for too long witnessed Israel's impunity, knowing well that it has been repeatedly fuelled by the lack of punishment and accountability. The tragic consequences have been suffered by generations of innocents throughout sixty years of statelessness and diaspora and over 42 years of occupation. We must break that vicious cycle. There must be an outcry against the perpetrators of war crimes, not against those who seek justice for the victims.

Israel must be stopped from committing the violations and crimes it continues to carry out against the Palestinian people in the occupied Palestinian territories, including East Jerusalem. In that connection, I wish to emphasize today the gravity of the situation prevailing there. The situation is highly volatile due to Israel's illegal and provocative actions and incitement, including flagrant pursuit of settlement activities and acts by extremist settlers at the Al-Haram Al-Sharif compound, including closing and besieging the Al-Aqsa mosque, threatening to use force, inciting feelings and other provocations so that Israel can avoid resumption of the peace process and can claim that there is no Palestinian partner for peace. All this requires urgent attention and action by the international community, including this Security Council. They threaten the use of force and to block the Al-Haram Al-Sharif compound. This gives the Israelis a excuse to justify their control of the Al-Aqsa mosque and to shirk the responsibilities of peace, resorting to the same bankrupt rhetoric and claiming that there is no Palestinian peace partner. Such conduct calls for just and firm action by the international community, including the Security Council.

In recent months and weeks, we have drawn the Council's attention to the increasing and unprecedented levels of Israeli aggression in occupied East Jerusalem. The occupying Power's settler colonization measures and the lawless acts of terror, violence and provocation committed by its settlers in the city are inflaming tensions and threatening to ignite an already fragile, precarious situation on the ground. The entire international community has called for the full and immediate cessation of Israeli settlement activities, including so-called natural growth in the occupied Palestinian territory, including East Jerusalem.

Yet Israel continues to blatantly flout these calls, international law and United Nations resolutions; to construct and expand settlements, settlement infrastructure and the separation wall; to confiscate more Palestinian land; to transfer more Israeli settlers, especially in and around East Jerusalem; and to take other illegal measures aimed at altering the demographic composition, character, nature and status of occupied East Jerusalem, including the ongoing demolition of Palestinian homes, the eviction of Palestinian families and their replacement by settlers, as well as the revocation of residency permits. Israel builds new settlement neighbourhoods, such as those in Al-Bustan, Silwan, Jabal Mukkabir and Al-Sheikh Jarrah. It also continues to carry out excavations, including around and beneath Al-Haram Al-Sharif, where it has also permitted extremists to perpetrate acts of provocation and incitement, inflaming religious sensitivities not only in the Holy City but far beyond, throughout the Arab and Islamic world.

If such illegal actions and incitement remain unaddressed, the consequences at the political and security levels will surely be grave. Not only do such actions have enormous potential to reignite the cycle of

violence between the two sides, but, as we have repeatedly cautioned, every such illegal act of colonization and provocation further threatens the prospects for reviving the peace process and for achieving the two-State solution for peace on the basis of the 1967 borders. That could very well be one of Israel's aim today.

History has shown that the prosecution of war crimes and the achievement of justice are, regrettably, not an immediate process. They require perseverance, principled positions and commitment based on international law and moral principles. We will therefore continue our pursuit of justice and to reject and call for an end to the impunity that has allowed Israel for all these years to commit mass crimes against the Palestinian people without fear of punishment. We want to turn the page on this horrific and tragic chapter for Palestine and cross the threshold into a new era in which our people can live in peace, freedom and dignity in an independent State of Palestine, with East Jerusalem as its capital, exercising the rights to which all human beings are entitled but which have so long been denied them.

To that end, we will have to act, individually and collectively, with the utmost urgency and responsibility to promote respect for the human rights and international law that are essential to making this new era a reality and to achieving genuine peace and coexistence in the region. Unchecked impunity and the absence of justice will only continue to obstruct peace efforts and prolong this tragic conflict and civilian suffering. As Justice Goldstone said before the Human Rights Council,

> "a culture of impunity in the region has lasted for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point ... The mission is convinced that the international community must confront the realities highlighted in this report and by doing so find a meaningful basis for the pursuit of peace and security for all the people of the region. Only in that way will the human dignity and security of these people be realized."

The President: I give the floor to the representative of Israel.

Ms. Shalev (Israel): Let me thank Under-Secretary-General Pascoe for his informative and important briefing highlighting the very complex, broader aspects of the situation in the Middle East. May I also take this opportunity to bid farewell to a friend and diplomat, the Permanent Representative of the United Kingdom, and to thank him for his great work for peace and security in this Council. I wish Sir John Sawers great success in his next mission.

The Security Council meets today for its monthly debate on the situation in the Middle East and the question of Palestine. Since the most recent meeting on this matter, an important trilateral meeting has taken place between United States, Palestinian and Israeli leaders. Since that meeting, Special Envoy Senator Mitchell and his team have been relentlessly engaged in an effort to put the peace process back on track.

And less than a week ago, the Nobel Peace Prize was awarded to the President of the United States. Allow me to congratulate President Obama and the people of the United States on this honourable recognition. The Nobel Prize was granted to President Obama for his "extraordinary efforts to strengthen international diplomacy and cooperation between peoples" in pursuit of peace. The Middle East is indeed one of those areas yearning for peace — a peace based on the vision laid down by the United Nations itself in 1947: two States for two peoples.

Israel seeks peace. We want a genuine peace, a defensible peace, a permanent peace. A peace in which two States, one Jewish, one Palestinian, will live side by side in peace and security. Recognizing such a vision will move the peace process forward. Terrorism, bloodshed and incitement will not.

Let me briefly describe the reality on the ground. As I have lately communicated, the month of September witnessed an alarming rise in terrorist attacks. In the South, 13 rockets and mortars were fired at Israel from the Hamas-controlled Gaza Strip. Fifteen other attacks were launched with light weapons and anti-tank missiles. There were multiple attempts by terrorists to infiltrate Israel and to plant explosives along the fence between the Gaza Strip and Israel.

To our North, three rockets were launched on Israeli territory from southern Lebanon. The Hizbullah terrorist organization continues to receive deadly weapons from its sponsors, Members of this Organization. At the same time, Hizbullah is building a military infrastructure in the midst of the civilian population south of the Litani River. Its operatives and affiliated civilians openly threaten the United Nations

Interim Force in Lebanon (UNIFIL), obstructing it from discharging its mandate. The explosion of an actively maintained weapons depot in Khirbat Salim on 16 July proved beyond any doubt that Hizbullah's violations are the greatest obstacle to the implementation of resolution 1701 (2006).

In addition, two days before the present meeting, another explosion of arms occurred, in a civilian home in the village of Tayr Filsay. That grave incident once again highlights a reality that we have been facing for years in southern Lebanon, as well as in Gaza: a terrorist organization, rearming and deploying within civilian areas, endangering not only peace and security but, cynically, the very civilians themselves.

The evidence of that phenomenon is clear, as was demonstrated yesterday in southern Lebanon and seen on television or on our computer screens. We expect UNIFIL and the relevant United Nations authorities to promptly conduct a thorough investigation into that incident and to share its findings with the Governments of Lebanon and of Israel and with the members of the Security Council. Southern Lebanon is occupied by terrorism: Hizbullah's terrorism. We trust that the upcoming report of the Secretary-General on resolution 1701 (2006) will offer practical and tangible steps towards further implementation of that important resolution.

This is the situation in the Middle East. Behind Hizbullah's defiance and build-up stands Iran. Iran's sponsorship and support of terrorism is pushing the region towards instability and conflict. As Iran hurtles towards nuclear weapons capabilities, coupled with long-range missiles, its leaders refuse to truthfully answer the inquiries and demands of the international community. The recent Iranian admission of a uranium enrichment plant outside Qom leaves no doubt: the Iranian nuclear programme is an international crisis.

That country, Iran, is driven by religious extremism, officially sponsors Holocaust denial and violently suppresses the democratic aspirations of its citizens, while continuing to promote international terrorism. The world's most dangerous weapons are quickly falling into the hands of the most dangerous regime in the world. That is the real threat to peace and security in our region and in the world.

Five years ago, in the pursuit of peace, Israel dismantled 21 settlements and uprooted over 8,000 Israelis from the Gaza Strip. The former Secretary-General, Kofi Annan, called Israel's actions a courageous decision. This very Council commended the ongoing implementation of the disengagement process. Member States assured us that if Israel needed to defend itself, international legitimacy would be on our side.

Yet Israel's hope turned into a nightmare. Instead of promoting a functioning Palestinian society, Hamas has built an infrastructure of terror. Instead of promoting peace, Hamas has murdered and silenced opposition, while inciting an entire generation to kill and hate. Gaza is occupied by terrorism: Hamas terrorism. Hamas openly rejects Israel's right to exist. Hamas openly rejects a two-State solution. Their charter calls for Jews to be killed and quotes notorious anti-Semitic citations.

Yet the world does nothing. As Hamas smuggled a constant supply of deadly Iranian arms into Gaza, the world did nothing. As Hamas placed weapons and launched attacks from within schools, mosques and hospitals, the world did nothing. As Hamas fired 12,000 rockets against 1 million innocent Israeli men, women and children, the world did nothing. That is the situation in the Middle East.

This monthly meeting was supposed to take place next week, but was rescheduled due to what was described as the urgency of the matter. An outside bystander would think that the issue of such an urgent meeting would be the continuous shelling of Israeli territory by terrorists from Gaza and Lebanon, or the continuous threats from Iran's nuclear development.

However, the urgency of the matter is a pretext to hijack the Council's agenda by raising an issue here that belongs elsewhere. The Member State responsible for this dereliction of procedure is, as we all know, the Libyan Arab Jamahiriya. This is the Member State, a true champion of human rights, which recently offered an official hero's welcome to an arch-terrorist. That arch-terrorist is responsible for the cold-blooded murder of hundreds of innocent men, women and children over the skies of Lockerbie. This is the same Member State whose leader, in his memorable soliloquy before the General Assembly three weeks ago (see A/64/PV.3), called the Security Council a "Terror Council".

Today we have heard references to the Goldstone report (A/HRC/12/48). Although the debate on that report belongs elsewhere, let me briefly state Israel's

position. I regret to say that the Goldstone report is one-sided, biased and therefore wrong, just like the forum and the mandate that established its mission. The report favours and legitimizes terrorism. It is a prize for terrorist organizations. It denies Israel's right to defend its citizens. It falls directly into the pitfall strategically laid by terrorist organizations around the world. It prevents and will prevent democratic Member States from defending themselves against terrorism. It permits terrorists to victimize civilians, target the innocent and use those it claims to defend as human shields.

By trying to bring that report before a so-called urgent debate in the Security Council, the Council's attention was diverted from the reality in our region. Rather than dealing with the situation in the Middle East, and instead of encouraging the parties to move towards peace and resume negotiations, the debate in this Council has been shifted to discussing a narrative that is destructive to the peace process.

For those of us who seek to resume the peace process in the Middle East, debating the Goldstone report in the Security Council is but a tale full of sound and fury, signifying nothing. If Israel is asked to take further risks for peace, the international community must recognize our right to self-defence.

The President: I shall now give the floor to members of the Council.

Mr. Shalgham (Libyan Arab Jamahiriya) (*spoke in Arabic*): First of all, I would like to thank you, Mr. President, for having organized this emergency meeting of the Security Council in accordance with the understanding reached within the Council.

I thank Mr. Lynn Pascoe for his briefing. We also welcome our brother, Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority.

As I said at a previous special meeting of the Council, I believe that there is a need to focus on the Goldstone report (A/HRC/12/48). That is because the Palestinian issue, including the occupation, in spite of its complexity, is sometimes summarized superficially — for example, by stating that it mainly concerns the settlements.

That is not so. The cause of the crisis and the source of all the violence and tension in the region over the past six decades is the ongoing Israeli occupation. The inhuman practices of the Israeli authorities, in particular the blockade that is still in effect, the expansion of settlements, the building of the racist separation wall despite the advisory opinion of the International Court of Justice, the daily systematic humiliation of the Palestinian people at checkpoints and in prisons, 11,000 detainees, including women and children, the destruction of their homes, the attempts to Judaize Jerusalem, the attacks on the Al-Aqsa mosque and the ongoing attacks by racist settlers on Palestinian citizens — the ongoing occupation is the main reason for all these violations of international humanitarian law and of the human rights of the Palestinian people.

Despite the adoption of resolution 1860 (2009), despite the outcome of the donors conference held in Sharm el-Sheikh on the reconstruction of Gaza and despite the most recent initiative of the Secretary-General aimed at lifting the blockade, the occupying authorities have stubbornly maintained their blockade. As the Israeli authorities are the occupying authorities, this is considered a blatant violation of their obligations under the Fourth Geneva Convention. They do this because they are convinced — indeed, assured — of their allies' support. That means that Israel no longer has to abide by any laws.

The international community and the Security Council in particular are still unable to refrain from using double standards in dealing with Israel. The international community is still not able to force Israel to respect international law and international humanitarian law or to implement Security Council resolutions, despite all the reports from the various United Nations bodies, agencies and commissions.

The most recent report is that of the United Nations Fact-Finding Mission on the Gaza Conflict, better known as the Goldstone report. That report reiterates that the occupying authorities have committed grave violations of human rights and international humanitarian law and that those acts constitute war crimes and crimes against humanity.

The Goldstone report is not the first on this issue. There were a number of previous reports, in particular the report by Archbishop Desmond Tutu on the Beit Hanoun massacre, the report of the international alliance for the defence of the victims of aggression and the report of the Board of Inquiry set up by the Secretary-General. All of them have concluded that the Israel army carried out direct and deliberate attacks against United Nations headquarters despite the

Organization's immunity. That has resulted in a great many deaths and injuries among those who sought shelter there, including United Nations staff members.

That report called for an independent inquiry to be held. However, the immunity that Israel enjoys meant that that report experienced the same fate as previous reports. This reinforces Israel's belief that it cannot be touched, that it is above all laws. It encourages Israel to continue to commit crimes.

However, the scale of the crimes committed against Gaza, as described in the Goldstone report, is a wake-up call for the international community and the various international organizations. We must warn that if we disregard what is contained in this report, we will be losing ground in the progress made on human rights since the adoption of the Universal Declaration of Human Rights. That would make the concept and ideals of human rights mere empty words, a tool to be used by certain States for their own political purposes. Violations of international law must be dealt with firmly when committed by a party allied with big Powers.

Before I address the issue of the Goldstone report, I would like to respond to those who say that it is not objective or fair. The Goldstone mission gathered facts in the following ways. Reports from various sources were considered. Interviews were conducted with victims and individuals who had confirmed information at their disposal. There were visits on the ground. Video footage and photographs were analysed, and satellite images were examined. Medical reports were considered. The reports of forensic scientists were analysed. Weapons were examined. There were calls for written information to be provided. Public hearings were held, and 188 individual interviews were held. Over 300 pieces of information, reports and documents were analysed.

Regardless of the nature of this information, this amounts to over 10,000 pages, 30 videos and 1,200 photographs. Of course, the Government of Israel simply refused to cooperate with the Mission.

We are aware of some of the procedures engaged in by international organizations, but this clearly shows that war crimes and crimes against humanity have been committed. This is more important than the rules of procedure, which cannot simply sail on seas of blood, far removed from the violence and destruction taking place. They cannot mask the horrifying disabilities that have been visited upon women, children and the elderly.

The report reiterated more than once that the Israeli authorities have committed war crimes and crimes against humanity. It reaffirmed that the Israeli blockade of the Gaza Strip was a policy of collective punishment and a violation of the Fourth Geneva Convention. The fact that the Security Council did not speak out about this simply means that it accepts that this should continue. The report lists the great number of crimes committed by the Israeli army and the Israeli Government against the Palestinian people. For example:

> "The Mission investigated several incidents in which the Israeli armed forces used local Palestinian residents to enter houses which might be booby-trapped or harbour enemy combatants" (*A/HRC/12/48, para. 1925*).

During those searches, the men were handcuffed and blindfolded. The use of these individuals as human shields constitutes a war crime.

The report also indicates a number of attacks that were carried out, in particular the destruction of the only flour mill in the Gaza Strip, the attempted destruction of the water supply system and the destruction of a poultry processing plant. All of these are violations of international law and are considered war crimes.

Israel has masked its true intentions since the beginning of the war against Gaza, within the framework of its Operation Cast Lead, an operation carried out against a besieged people, a people on the brink of famine, an occupied, besieged people who have nothing left but their readiness to face up to the occupation. That is exactly what Mr. Goldstone stated. The Mission carried out a detailed investigation and included in its report statements by Israeli political and military leaders that they would target the infrastructure of the Hamas movement. Hamas is the freely and democratically elected authority of the Palestinian people.

If this is what passes for a legitimate military target — despite the fact that it constitutes a violation of international humanitarian law built up over the past century — that would make civilians and civilian infrastructure legitimate targets. We can therefore affirm that these attacks represent instances of

vengeance and collective punishment. And that constitutes war crimes.

The report reaffirms in paragraph 1883 that the Israeli army targeted all the inhabitants of Gaza and did not distinguish between combatants and civilians, and that this was the result of clear orders given to the soldiers. These were not blunders. That is affirmed in paragraph 1889. The report also clearly represents that Palestinians were the targets of ongoing, systematic ill-treatment and subject to humiliating and degrading treatment, which violates the principles of international law and human rights law. The Fact-Finding Mission again concludes that such conduct represents collective punishment of civilians. In other words, it violates the Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War and thus constitutes a war crime.

The attack on Gaza was unprecedented in terms of both its violence and ferocity and of the extent to which it flouted basic tenets of international law and human rights. The Israeli army knowingly targeted hospitals, ambulances, mosques and United Nations installations. Paragraph 36 states that the Fact-Finding Mission found no proof of Israeli allegations that Palestinian militants had used these buildings as shields for military purposes.

The Security Council did not fulfil its responsibility to protect civilians in the Gaza strip. That is reaffirmed in paragraph 1916 of the report. The report reiterates that the Mission noted that the international community remained silent. The Security Council did not take action to protect civilians in the Gaza strip and the occupied Palestinian territory in general. That makes it amply clear that the Security Council did not adequately respond to the Gaza blockade and its consequences. It would have been be wise for the Council, given its responsibility for maintaining international peace and security, to adopt the report and to invite the Human Rights Council to debate it in order to ensure that it did not suffer the same fate as previous reports.

The Israeli position on the peace process has been made very clear by declarations issued by the Israeli authorities. They do not hesitate for one moment to state that they will grant the Palestinians nothing. They call for a racist Jewish State. They want to expel the Palestinians who lived there before 1948. Special emissaries to Israel return empty-handed again and again, revealing the peace process as a simple absurdity that will lead to nothing. Proof of this lies in the fact that nothing has been done or achieved to lift the blockade on Gaza and to end its colonization.

It is time to end the culture of impunity in the region that has prevailed for so long and led to yet another crisis. As Justice Goldstone has very rightly said, it undermines all hopes and aspirations for peace in the region. It is necessary to bring the criminals to justice and to compensate victims of Israeli crimes in order to move forward the peace process forward. Israel's ongoing settlement activity, collective punishment and humiliation of the Palestinian people will only lead to an escalation of violence, death and suffering.

I conclude by referring once more to the Goldstone report. The commitments of the Israeli Government to the Israeli people in no way justify the policy of collective punishment against an occupied people. Nothing can justify the fact that the Palestinian people have been deprived by the disastrous operations in Gaza of their right to live in dignity. This will lead to succeeding generations growing up in a culture of hatred and enmity and in a future offering very little hope.

Mr. Heller (Mexico) (*spoke in Spanish*): I thank Under-Secretary-General Pascoe for his briefing on the situation in the Middle East. I also thank the Foreign Minister Al-Malki of the Palestinian National Authority and the Permanent Representative of Israel, Ambassador Shalev, for their statements.

The Security Council is meeting once again to assess the situation in the Middle East in a context of growing tension in the region and scant progress in the peace process, as the Under-Secretary-General told us. At our last informal meeting on this matter, we expressed our hope that the high-level meetings to take place at the margins of the general debate could lead to the unconditional resumption of peace talks between Israeli and the Palestinian National Authority. We welcome the holding of the trilateral meeting among President Barack Obama, Prime Minister Benjamin Netanyahu and President Mahmoud Abbas. We regret, however, that negotiations have yet to attain a definitive peace in the Middle East.

The resumption of the peace process hinges on the will and commitment of all of the parties to the conflict. The international community, for its part, has

the obligation to facilitate the process in order to ensure a fair and lasting peace in the region. We therefore express our appreciation to President Obama and his special envoy George Mitchell for their resolve in laying the foundations of dialogue between Israel and the Palestinian National Authority founded on trust and mutual respect. Furthermore, we reiterate our support for the Quartet and the statement it issued last September, in which it underscored the essential principles for attaining comprehensive peace in the Middle East. We share the sense of urgency expressed by its members and recognize the need for the parties to meet their commitments and obligations, in particular those contained in the Road Map, if conditions conducive to the resumption of the peace process are to be met.

It is therefore essential that Israel put an end to the establishment of new settlements in the occupied territories, including East Jerusalem, and to so-called natural growth. The demolition of homes, the expulsions and the expansion of settlements in East Jerusalem represent a serious obstacle to the peace process. Similarly, the agreement on places of worship must be respected and provocations that weaken prospects for dialogue avoided.

The Palestinian National Authority, for its part, should continue to strengthen its political and security institutions, with the support of the international community. We welcome the announcement by Prime Minister Fayyad that the institutions necessary to create a Palestinian State will be built in a reasonable time frame.

To that end, as the Palestinian security forces increase their control over their territory, it is essential that Israel simultaneously lift restrictions on the movement of people and goods. We note the dismantling of some obstacles and a reduction in the number of military personnel that Israel has stationed at certain checkpoints in the West Bank. We hope that those actions are definitive and that they lead to the complete and irreversible dismantling of all checkpoints.

Furthermore, it is essential that progress be made in the process of inter-Palestinian dialogue being carried out with Egypt's support. We regret that the signing of the reconciliation agreement between Palestinian factions, slated for late October, has once again been postponed. The unity of the Palestinian Government is an element essential to the achievement of a comprehensive and definitive settlement in the Middle East.

With winter about to begin, it is of vital importance that access to Gaza be provided for humanitarian aid and reconstruction in order to avoid a new humanitarian disaster. That is why we stress the need for the full implementation of resolution 1860 (2009) and for the establishment of an international monitoring mechanism that ensures a lasting ceasefire, the opening of border crossings and control over illicit arms trafficking. We support all initiatives aimed at establishing such a mechanism, which is the only way to ensure the gradual normalization of the situation in the Gaza Strip.

We also recall that peace in the Middle East is linked not only to the question of Palestine, but also to regional stability. For that reason, we are concerned about two successive incidents that occurred in southern Lebanon in July and just a few days ago. According to the information available to date, they appear to have been violations of resolution 1701 (2006). We urge the Government of Lebanon, in cooperation with personnel of the United Nations Interim Force in Lebanon, to take the measures necessary to prevent another such incident. We also reiterate our appeal to Lebanon and Israel, as well as all other parties involved in this conflict, to comply with the provisions of resolution 1701 (2006).

Our debate today coincides with the discussions currently under way in Geneva concerning the report of the Human Rights Council's United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), led by Judge Richard Goldstone. We are convinced that, at this time, the Security Council must avoid greater politicization and polarization of the positions that have been expressed in that regard.

Thus, we believe that it is inappropriate for the Security Council to consider or pronounce itself on the report before the Human Rights Council, which is the competent organ on this matter and mandated the drafting of the report. The Human Rights Council's decision to consider the report within an established timetable — adopted in Geneva a few days ago — must be respected by the Security Council. Mexico is studying the Goldstone report with all due care and will participate in its consideration and the analysis of its recommendations within the Human Rights Council.

Let us be clear: there are no good or bad violations of international humanitarian law. We reiterate once again that, in any armed conflict, all actors involved must respect the provisions of international humanitarian law at all times and in any circumstances. This is not subject to free interpretation by the parties to a conflict. All alleged violations of international humanitarian law deserve to be investigated and punished when appropriate.

As on many past occasions, we now find ourselves at a defining moment for the peace process, which could lead to a resumption of negotiations or, should that fail, to a new spiral of violence that would aggravate yet further the instability in the region. The objective, known to all, is clear: the achievement of a comprehensive and definitive settlement of the conflict in the Middle East that would reaffirm the recognition of Israel's right to exist and allow for the establishment of a politically and economically viable Palestinian State coexisting in peace with Israel within secure and internationally recognized borders, in accordance with the relevant Security Council resolutions, the Road Map, the Madrid principles and the Arab Peace Initiative.

Mr. Takasu (Japan): I would like to express my appreciation to you, Mr. President, for arranging today's meeting on the situation in the Middle East. I would also like to thank Under-Secretary-General Lynn Pascoe for his comprehensive briefing and to welcome the presence of the Foreign Minister of the Palestinian National Authority at this meeting.

If we are to overcome differences and achieve a just, comprehensive and lasting peace among all parties in the Middle East, there is no formula other than the pursuit of genuine dialogue. Even in areas where the parties face seemingly insurmountable difficulties, they must attempt to overcome them through dialogue and negotiation. Without genuine dialogue and negotiation, there can be no progress in the Middle East peace process.

The international community should promote momentum for peace. We therefore welcome the recent trilateral meeting among President Obama, Prime Minister Netanyahu and President Abbas, which was a significant step towards the relaunching of direct peace negotiations. Japan reaffirms its strong support for the initiative taken by the United States for the resumption of peace talks aimed at the two-State solution.

Japan shares serious concerns about Israeli settlement activities and the recent clash between Israeli forces and Palestinians at Al-Haram Al-Sharif. Their negative impacts should not hinder a resumption of the peace talks. It is imperative that all parties fulfil their obligations under the Road Map with a view to the achievement of the two-State solution and Middle East peace.

Japan would like to call on the Israeli Government to freeze all settlement activities, including natural growth, and to refrain from provocative actions on its territory. At the same time, we call on the Palestinian Authority to continue to make every effort to improve the security situation by abiding by its commitment to cease violence and terrorism. Unification of the Palestinian side is also important to promote the peace process. We express our strong support for Egypt's efforts to achieve reconciliation between Fatah and Hamas.

The Security Council has been closely following the humanitarian situation in Gaza and adopted resolution 1860 (2009), in which we expressed serious concern over the damage caused to civilian and United Nations facilities in Gaza. Nine months after the adoption of the resolution, the situation is very precarious. We are deeply concerned about this situation. The international community must maintain its assistance to and support for the people in Gaza. We urge Israel to cooperate with the Secretary-General's efforts and to ensure smooth access to goods for Gaza, as well as the free movement of people.

As we have pledged to do, Japan will continue to extend its assistance to improve the humanitarian situation in Gaza. We are convinced that improving the humanitarian conditions in Gaza is one of the most important and urgent priorities in building the Palestinian State and promoting the peace process. One might even state that there will be no progress in the Middle East peace process without significant improvement in the humanitarian situation in Gaza.

In that connection, I should like to refer to the report of the United Nations Fact-Finding Mission on the Gaza Conflict, headed by Justice Richard Goldstone (A/HRC/12/48). The Mission was mandated by a decision of the Human Rights Council. We appreciate the work of the Fact-Finding Mission, in particular its effort to try to ensure a degree of balance in its report. We believe that the findings and

recommendations of the Goldstone report should be carefully reviewed, first and foremost by the Human Rights Council within its mandate. It is important for the Security Council to follow closely the discussion in the Human Rights Council. In the light of the outcome, the Security Council could consider an appropriate way in which to deal with the report in a unified manner.

Mr. Guillermet (Costa Rica) (*spoke in Spanish*): Let me begin, Mr. President, by thanking you and your delegation for having convened this debate. I thank you also for this month's programme of work, which includes a number of very important open meetings that will provide an opportunity for interaction between the States concerned and other Members of the United Nations. I wish also to thank Mr. Pascoe for his briefing, and I welcome the presence among us of Mr. Riad Al-Malki, Minister for Foreign Affairs of Palestine, and of Ambassador Gabriela Shalev, Permanent Representative of Israel.

I wish to set out my country's position on the Council's discussion of the report of the United Nations Fact-Finding Mission on the Gaza Conflict, the Goldstone report (A/HRC/12/48). The Mission was mandated to investigate violations of international human rights law and international humanitarian law during the military operation in Gaza. It is important to discuss the report, which merits the close attention of the international community.

Our initial appraisal is this is a serious report prepared by a Mission led by an upright man with an unquestioned track record, and that it is worthy of our full consideration.

However, it is premature for the Council to discuss the substance of the report when the Human Rights Council itself has not taken the relevant decisions. To do so without being able to produce a concrete outcome following our consideration would only contribute to trivializing it. For that reason, we welcome the fact that the Human Rights Council in Geneva has decided to take action on the Goldstone report this week. We will follow closely the Human Rights Council's decisions with respect to the report's recommendations. We hope that in some way Justice Richard Goldstone's report will contribute to assigning responsibility.

A key element of the report, drawn from its conclusions, is that there is a need to establish responsibility through accountability mechanisms. It is essential to prevent impunity, and in that connection we urge the parties to continue their efforts. In particular, we urge the Israeli Government to pursue the investigation that, as it has informed the international community, it has undertaken, and to make public its outcome.

We also underscore the Goldstone report's comprehensive approach, which makes recommendations to a number of bodies of the United Nations system, to the parties and to insurgent groups. We reaffirm, as we have done on prior occasions, that the Security Council bears the obligatory responsibility to protect civilians in armed conflict whenever and wherever necessary. The Council must employ all its deterrent potential to persuade all State and non-State parties to respect international law and permit unhindered access for humanitarian assistance.

The Security Council's silence for reasons of individual convenience should not signal impunity for those who ignore international law. Nor should it signify cruel indifference to those who call upon the Council for help. The search for justice is essential: no State or armed group should be above the law.

A month ago, we had hoped to see genuine progress in the Middle East peace negotiations, leading to the renewal of direct talks between the parties. That hope was nourished by the announcement of important meetings underpinned by diplomatic efforts on the margins of the General Assembly. Unfortunately, this did not happen. Negotiations have not progressed at the pace that the international community had hoped for. That, unfortunately, is the only truth that we can speak on this conflict.

Costa Rica welcomed the downturn in violence in the course of this year, along with the relative easing of the security situation and the growing responsibility of Palestinian security forces for keeping the peace in the West Bank. We also see as positive the authorization of entry into Gaza of construction materials and a lifting of obstacles to movement in the West Bank. We look favourably on those gestures and successes. We hope, however, that they are not mere mirages giving rise to baseless hope. The progress will not be significant unless there is a political process that constantly moves forward. Increased responsibility for civilian security on the part of the Palestinian Authority can be meaningful only if it leads to the prompt establishment of a Palestinian State within recognized borders

resulting from a dynamic political process of negotiations between the parties. Goodwill gestures are highly appreciated, but they will be nothing more than gestures unless they lead to a lasting change in attitude towards partners in dialogue.

We are most hopeful with respect to diplomatic efforts founded on growing consensus regarding a comprehensive approach to resolving the conflict. Costa Rica has been suggesting such an approach for more than 20 months: it would abandon a sequential methodology and embrace a comprehensive one. We know that if there is to be success in resolving the Israeli-Palestinian conflict there must also be an easing of tensions in other conflicts in the region that have a negative impact on the resolution of that one. The States of the region must also demonstrate their commitment to lasting peace by recognizing the State of Israel and by adopting policies of good-neighbourliness towards Israel based on mutual security.

In that regard we are hopeful at — and encourage — the endeavours of the Obama Administration through its Special Envoy, George Mitchell.

Seven months have passed since the current Israeli Administration was formed. The clock seems to have been turned back. There has been an attempt to ignore prior agreements and consolidate gains based on cunning arguments — despite the international community's unanimous condemnation of such conduct and its warning that this approach will not bear legitimate fruit.

The Palestinian party too should contribute to the success of the process towards resolving the Israeli-Palestinian conflict. It should strengthen its measures to confront extremism and respond to Israel's legitimate security concerns. Palestinian reconciliation is another pending issue: Hamas cannot remain outside the peace process, and it must not sabotage the political process. Costa Rica hopes that Egypt's efforts will lead to unity among the Palestinian people and to a commitment to a negotiated solution of two peoples living side by side in peace. The current leaders of the Palestinian Authority merit our support, but in our view it is important for them to prevent their territory from being used by those wishing to thwart the process. It is imperative that neighbouring moderate Arab countries, as dedicated partners for peace, help the Palestinian Authority in its endeavours to prevent the conflict from being used as a platform for extremist acts and defiant statements against Israel by others in the region.

It may be that the time has passed for implementing prior agreements. But these are the sole foundation for new agreements. Once again, we must deplore the continuing Israeli policy of settlement activities, demolitions and expulsions that affect Palestinians in the East Jerusalem. Such actions are illegal and unacceptable; they exacerbate tensions and are an obstacle to the peace process. Costa Rica recognized Palestine as a State almost two years ago, and we believe that the international community should contribute to the resolution of the Israeli-Palestinian conflict by universalizing such recognition and accepting the Palestinian State as a full Member of this Organization. If the parties fail to reach an agreement within a reasonable timeframe, the most sensible course of action would be to assume the responsibility of establishing a Palestinian State and granting it membership in this Organization.

We reiterate the concerns that we have already expressed with regard to the humanitarian situation in Gaza and our call for the respect of international law, in particular international humanitarian law as established by the Geneva Conventions and their Protocols.

Finally, I should like to take this opportunity to express that, while my delegation will be studying the reports of the Secretary-General on the implementation of Security Council resolutions 1559 (2004) and 1701 (2006) over the coming weeks, we believe that the explosions on 12 October in Tayr Felsay in southern Lebanon reflect the need to step up efforts to clear the area south of the Litani River of weapons and armed personnel. We urge that this situation be monitored closely, alongside the investigations being carried out by the United Nations Interim Force in Lebanon.

Mr. Tiendrébéogo (Burkina Faso) (*spoke in French*): I should, of course, like to thank Mr. Pascoe for his briefing and to welcome Foreign Minister Riyad Al-Malki as well as the Permanent Representative of Israel. We thank them for their significant contributions to our deliberations.

The situation in the Middle East, including the question of Palestine, remains at the centre of our attention. Peace and stability in this region lie at the heart of peace and security in the world. Unfortunately, 2009 began under the worst possible circumstances,

with the heightened violence of the months of December 2008 and January 2009, the painful scars of which Gaza still bears and will, unfortunately, continue to bear for a long time. In this context, Security Council resolution 1860 (2009) offers an acceptable basis for a way out of the crisis, requiring only that the parties engage one another in good faith. Unfortunately, we are forced to admit that this resolution, like previous ones, has yet to be implemented, and that the situation on the ground continues to be a source of great concern. Also of great concern is Israel's continuation of its policy of colonization, settlement and the demolition of homes. Our concern also includes the very strict Israeli blockade of Gaza, despite the regular appeals on the part of the international community. We urge Israel to hear these calls and pay heed to the suffering of women, children and all the innocent civilians of Gaza, who are deprived of basic necessities, and to [illegible] access to the territory so as to ensure the reconstruction and economic development of the area.

Finally, another aspect of great concern is the attacks to which Israeli towns are regularly subjected. We urge Hamas and other extremist Palestinian groups to put an end to such attacks, or else they risk continuing to justify acts of reprisal. This situation is made even more complex by the ongoing disagreement among Palestinian brothers.

These are the principal elements that undermine the credibility of the actors and drain the energy from all efforts and initiatives for peace. There is no lack of efforts or initiatives aimed at breathing new life into the peace process, including those developed by the American Administration and by Egypt, which has worked tirelessly to bring about Palestinian reunification and reconciliation. Burkina Faso supports those efforts.

We should like once again to urge the parties to put dialogue and negotiation first, and to exclude the military option, which has no other effect than to distance the parties even further from the prospect of resolving their dispute. We continue to believe that the Quartet Road Map, the 2002 Arab Peace Initiative and the relevant resolutions of the Security Council provide the best possible framework for realizing our common objective — that of a Middle East at peace, with a Palestinian State living within secure and internationally recognized borders, side by side with Israel in peace and security.

The present meeting of the Council is being held in a particular context, with the publication of the report of the United Nations Fact Finding Mission established by the Human Rights Council (A/HRC/12/48). In this regard, my delegation reiterates its strong condemnation of the violations of human rights and of international humanitarian law perpetrated during the conflict last December and January in Gaza. Burkina Faso has always hoped that light could be shed on those violations so that the international community could determine the responsibilities of all the parties. It was as a response to that need that the Fact Finding Mission was established by the Human Rights Council. Burkina Faso followed the work of the twelfth session of the Council very closely and we await the conclusions of the deliberations within the special session with great interest.

We note the recommendations addressed to the Security Council by the Fact Finding Mission and, in this regard, we urge the parties to undertake all the necessary actions to establish the truth and to prosecute those responsible.

Burkina Faso longs to see further reinforcement of political stability in Lebanon. We call on the Lebanese political class as a whole to come to an agreement, as soon as possible, which would pave the way for a government of national unity and for genuine national reconciliation. At the same time, we reaffirm the need to respect the independence, sovereignty and territorial integrity of Lebanon.

My delegation welcomes the progress achieved in Syrian-Lebanese relations and cherishes the hope that the efforts aimed at fostering a rapprochement between Israel and Syria may be crowned with success.

We will never tire of repeating that the Israeli-Palestinian conflict is the Gordian knot of the situation in the Middle East. This is why we must continue to work tirelessly to bring about a comprehensive, just and durable solution to this conflict. It is up to the parties themselves to demonstrate a greater commitment and a more resolute political will to resolve their dispute. It is the duty of the Security Council, the League of Arab States and all the countries in the region and beyond, as well as the international community as a whole, to step up their efforts to better assist the parties in doing so.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We are grateful to the Under-Secretary-General Mr. Pascoe for his comprehensive briefing on the situation and peace process in the Middle East. We welcome the participation in the present meeting of the Minister for Foreign Affairs of Palestine, Mr. Riyad Al-Malki.

The question of a solution in the Middle East and the continuing tensions in that region continue to be a central item on the agenda of the international community. The Group of 8 Summit at L'Aquila and the recent ministerial-level meeting of the Quartet have shown that there is broad consensus in the international community, on the whole, on the approach to finding a Middle East settlement. The international legal basis for the peace process, the significance of the Arab Peace Initiative, the principle of two States and the need to freeze settlement activity, including natural growth, were all reaffirmed.

As comprehensive efforts to resume Palestinian-Israeli contacts are continuing at present, it would be somewhat premature to make any final assessment regarding the shape of a future regional settlement. There is, however, something that no one disputes: time is running out, and this is very dangerous. We must continue working intensively to establish the necessary conditions for the renewal of negotiations on all available tracks — first and foremost, on the Palestinian-Israeli track. It is only through such negotiations that mutually acceptable solutions can be found to all key issues needed to establish a sustainable and fair peace in the Middle East. Our common objective is to promote this in every possible way.

We continue to send clear signals to Palestine, Israel and other leading States of the region on the need to exercise restraint, to return to the negotiating table, and to avoid taking unilateral steps that would predetermine the outcome of the final status negotiations.

One important contribution to assistance efforts in that regard will be the Moscow conference on the Middle East, which we are making serious efforts to prepare for and convene. We consider that forum, which has been endorsed by the Security Council, the Quartet and the Group of Eight, to complement the efforts to breathe new life into Palestinian-Israeli contacts and to be a link in our important ongoing collective work to find a sustainable and comprehensive settlement in the Middle East. Following the desired resumption of negotiations between the Palestinians and Israelis in the near future, we are ready immediately to announce a date for the Moscow conference.

During the course of the conference, the international community will be in a position to support the process and to assist the resumption of negotiations on the Syrian, Lebanese and multilateral tracks of the Middle East settlement process. In that regard, I reiterate that we must base our actions on existing international law, including all relevant Security Council resolutions, the Arab Peace Initiative and the Madrid principles. The outcome of our work should be a viable, independent Palestinian State living in peace and security side by side with Israel.

We are concerned by rising tensions surrounding the Temple Mount in Israel. We cannot allow religious issues to be exploited for political ends or to exacerbate the situation and people's suffering. All parties must exercise restraint and live by the letter and spirit of existing agreements on holy sites in Jerusalem. We believe that the most sound approach to resolving the situation in the city is to do so exclusively through dialogue on the final status negotiations for the Palestinian territories on the basis of the aforementioned international legal basis.

Another pressing issue is the restoration of unity within the Palestinian factions on the basis of the Palestine Liberation Organization platform. Concrete steps to resolve the relevant these issues have been and continue to be taken, inter alia, through the facilitation of the Egyptian side, which has earned our appreciation and support. Resolving the issue is an important element of progress towards a settlement of the Palestinian-Israeli issue.

In the context of the situation along the Blue Line in southern Lebanon, it is more critical than ever that all parties respect resolution 1701 (2006). We urge all Lebanese political forces to repudiate the logic of political confrontation, accusation and ambition and to move in a spirit of good faith to establish an effective Cabinet that represents the interests of all Lebanese.

I turn now to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), the discussion of which will continue on 15 and 16 October in the Human Rights Council in Geneva. We view that document from the perspective

of the need to resolve key elements of the regional peace process, including strict compliance by the Israeli and Palestinian sides with international norms in the fields of humanitarian law and human rights. We reject all manifestations of terrorism and disproportionate and indiscriminate responses to them that lead to civilian deaths. In that context, we condemn all violations of international humanitarian law perpetrated during the conflict in Gaza.

The authors of the report did a very impressive job gathering the testimony of witnesses and establishing facts. The facts and recommendations set out in the report require further careful and balanced consideration. We believe that the best approach would be undertake that task in the framework of international humanitarian law in the Human Rights Council. Clearly, the full implementation of resolution 1860 (2009) and the resolution of the remaining issues related to the very pressing humanitarian and economic situation in Gaza are of equal urgency, including the need to lift the blockade of the Gaza Strip.

Sir John Sawers (United Kingdom): May I begin by thanking Under-Secretary-General Pascoe for his briefing. I also warmly welcome Palestinian Foreign Minister Al-Malki here today and thank him for his statement. I am also grateful for the statement and kind remarks made by the Israeli Permanent Representative.

The three months since the Council's most recent debate on the situation in the Middle East have seen further intense efforts to launch negotiations to deliver the peace, security and justice that Palestinians and Israelis so desire. Our goal remains to engage not simply in another process, but in genuine negotiations that have a real prospect of reaching a lasting solution. President Obama of the United States made his commitment clear when he spoke to the General Assembly, and we continue to offer him, his team and all those genuinely seeking peace our full support.

The parameters of a solution are well known: two States, with an independent, democratic, contiguous and viable Palestinian State based on the 1967 borders living side by side in peace and security with the State of Israel, Jerusalem as the capital of both States, and a just settlement for refugees. Delivering that goal will not be easy. All sides will have to meet their obligations and commitments. We need to see an Israeli freeze on settlement-building; we need to see continued Palestinian efforts on security and institution-building; and we would warmly welcome Arab moves to normalize relationships.

A genuinely viable Palestinian State will be key to securing a successful settlement. The Palestinian National Authority's two-year plan, launched in August, represents a determination to deliver such a Palestinian State and the institutions to underpin it, not in some distant future but soon. President Abbas and Prime Minister Fayyad will have our continued backing as they work to implement this vision.

The situation in Jerusalem increasingly has the potential to threaten the progress we all desire. There is absolutely no room for inflammatory gestures or actions, in Jerusalem above all, because extremists will take advantage of them. We have followed with great concern the disturbing incidents of violence around the Temple Mount/Al-Haram Al-Sharif. We are also deeply concerned at ongoing settlement activity in East Jerusalem, which can only make it more difficult to achieve our common goal. All sides must act to calm the situation and avoid provocation.

The situation in Gaza also continues to concern us. The lives of Gazans will only become harder as the winter sets in. Despite repeated representations from the international community, the Israeli Government has not eased border restrictions sufficiently to allow for the passage of all essential humanitarian aid or significant reconstruction materials. I repeat our call on the Israeli Government to relax those restrictions.

I also repeat our call on Hamas to release Gilad Shalit without further delay or conditions. We note the videotape evidence provided by Hamas on 2 October in exchange for 20 prisoners, but it is simply unacceptable that Gilad Shalit should remain in detention without Red Cross access three years after he was first seized.

We must also address the conclusions of the United Nations Fact-Finding Mission on the Gaza Conflict. They raise important issues that are of serious concern. We believe that the Goldstone report (A/HRC/12/48) itself does not adequately recognize Israel's right to protect its citizens or pay sufficient attention to Hamas's actions.

But the concerns raised in the report cannot be ignored. Rocket attacks by Palestinian militants targeted at innocent civilians in southern Israel constitute a breach of international humanitarian law. It

is deplorable that these acts continue. They must cease immediately. Israel has the right to defend its citizens from such attacks, but must do so in accordance with international law. The Goldstone report makes serious allegations about Israeli conduct during Operation Cast Lead. There are reports of incidents where individual soldiers are alleged to have acted unlawfully, for example, allegations of the shooting of civilians as well as overall Israeli tactics that included the targeting of police stations and infrastructure.

My Government regrets that Israel did not cooperate with the Mission, which, therefore, lacks an authoritative Israeli perspective on the events in question, which would be so crucial in order to determine the legality of the actions. We note that the Israeli Defence Forces have already conducted and are continuing to conduct a number of investigations. However, concerns remain. We urge the Israeli Government to carry out full, credible and impartial investigations into the allegations reported in the Goldstone Report.

The United Kingdom is committed to ensuring accountability for violations of international humanitarian law and international human rights law, wherever they occur. We look forward to further discussion of this issue in the Human Rights Council.

Turning briefly to Lebanon, we would like to say we welcome the undertaking by the United Nations Interim Force in Lebanon and the Lebanese Armed Forces to investigate the explosion that, reportedly, took place earlier in the week in Tayr Felsay. We underline our call for all parties to implement Security Council resolution 1701 (2006) in full.

In conclusion, I will say that there is little doubt that prospects for a lasting peace in the Middle East have been tested. Reactions to the Goldstone Report and the events in East Jerusalem, for example, have dampened the cautious optimism generated by the increased diplomatic efforts to relaunch the peace process, but we urge the parties in the region, and the international community as a whole, to maintain and increase momentum towards a solution.

All peace processes are tested by events. What separates the successful processes from the unsuccessful is the political will to push forward despite events or setbacks.

Mr. Skračić (Croatia): At the outset, I would like to thank Under-Secretary-General Pascoe for his extensive briefing on the situation in the Middle East, as well as to welcome to the Chamber Palestinian National Authority Foreign Minister, Mr. Al-Malki, and Israeli Permanent Representative, Ambassador Shalev.

Croatia shares the sense of urgency to secure an early resumption — and conclusion — of Israeli-Palestinian negotiations aimed at the two-State solution as a key part of a comprehensive, just and lasting peace in the Middle East. What happens now is critical, and failure to move forward risks deepening disillusionment and impasse.

We are pleased to see the imperative reflected in the statements made at the high-level meetings held in New York this September, including the Quartet statement and that of United States President Obama in his statement to the General Assembly. The continuing efforts of the United States Administration and those of Special Envoy Mitchell to promote negotiations have our full support. Croatia believes that, in order to advance the peace process, all sides need to meet their responsibilities and make a meaningful contribution towards creating conditions conducive to negotiations.

Israel and the Palestinians need to implement their obligations under the Road Map without preconditions. The Palestinians need to pursue their reform agenda, particularly in the area of security. The Arab States need to take early and tangible confidence-building steps in the spirit of the Arab Peace Initiative. The international community should be ready to assist the parties in creating an atmosphere conducive to peace and in ensuring that all efforts remain focused on our shared objective of achieving peace. It is time that the roadblocks to peace are removed.

In light of ongoing efforts, provocative actions that risk undermining attempts to create an atmosphere conducive to credible negotiations are a cause of concern. We are concerned with the recent clashes in Jerusalem. We appeal for restraint, and we appreciate United Nations efforts to diffuse tensions. We also call for the cessation of other provocative actions, including demolitions and evictions.

As recognized in repeated calls by the international community, Israel settlement activities present an obstacle to peace and should be immediately brought to an end. And this includes "natural growth"

settlements and outposts erected since 2001, which should be dismantled.

We condemn the marked increase in attacks directed at Israel from the Gaza Strip over the past month. At this critical stage, another outbreak of violence must not be allowed. Croatia finds encouragement in Palestinian State-building efforts, as well as in recent trends in the West Bank area, where improvements in security are opening space for economic revival as part of the groundwork for a sustainable Palestinian State.

We welcome the recent removal by Israel of a number of roadblocks and would welcome further steps in that direction. We understand that, should the restrictions on movement and access continue to be eased, for the first time since 2005, there is a realistic chance that the downward trend in Palestinian living standards in the West Bank can be reversed in the near future.

It remains crucial that the Palestinian Authority continue with its agenda of self-empowerment, including building and consolidating an effective and reformed security sector, functioning institutions and the rule of law as building blocks of a viable and independent Palestinian State. At the same time, Israel must be assured that this objective does not go undermine its legitimate security interests, including that of addressing the threat of renewed rocket attacks from the Gaza Strip.

The situation in Gaza is our continuing preoccupation. We believe that finding a durable solution for Gaza should be part and parcel of the peace effort. In order to put an end to the protracted humanitarian and human dignity crisis in Gaza, full implementation of resolution 1860 (2009) remains a priority. Croatia believes that the controlled and sustained opening of crossings, matched with the appropriate monitoring arrangements, is key for the humanitarian recovery and reconstruction of Gaza and for eradicating the tunnel economy.

We continue to call for the release of Gilad Shalit, whose recent video message was an encouraging sign, and we reiterate our support for the efforts of Egypt to assist in restoring Palestinian unity.

Croatia has taken note of the Report of the United Nations Fact Finding Mission on the Gaza Conflict, which has been submitted to the Human Rights Council. Croatia takes seriously the issues that are at the heart of the report and we respect the scope of the confidence in the Human Rights Council within the United Nations system.

At this stage, let me state that Croatia believes that it is the obligation of all States to ensure respect for international humanitarian law. When and where there are violations of international humanitarian and human rights law, individual accountability needs to be established. This is what constitutes the basis for a lasting peace. This is a duty that falls principally on the national authorities of States themselves, which need to carry out a credible domestic process and investigate situations where there are indications that such violations have been committed.

Concerning Lebanon, let me express our serious concerns with the several recent incidents in southern Lebanon, which are in violation of resolution 1701 (2006). Last week, there was yet another weapons cache explosion involving munitions that apparently belonged to Hizbullah. A few weeks earlier, rockets were fired against Israel. We condemn these acts, which, together with the grave incidents in July, only underscore the need to insist on the full implementation of resolution 1701 (2006) and the disarmament of all paramilitary groups in Lebanon. We also share concerns about the delay in forming a new Lebanese Government and hope that an agreement can be reached soon.

Before concluding, allow me to say a few words of appreciation to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which marked its sixtieth anniversary in September this year. I would like to pay tribute to UNRWA's dedication and commitment to providing assistance to Palestinian refugees over the past decades, often under challenging and dangerous circumstances. Croatia will continue to support its vitally important work.

Equally, we believe that the interests of both parties, the region and the international community as a whole are best served by pursuing a shared, clear and fundamental objective, namely, the establishment of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel in the context of a just, lasting and comprehensive peace in the region on the basis of Security Council resolutions and the Madrid Principles.

Mr. Wolff (United States of America): Let me join other speakers in welcoming Minister Al-Malki and Ambassador Shalev to the Council today, and also thank Under-Secretary-General Pascoe for his comprehensive update.

As we have noted in prior monthly Middle East consultations, advancing the cause of peace in the Middle East is among the most important objectives that President Obama has identified for our renewed international engagement. As President Obama affirmed to the General Assembly on 23 September:

> "The time has come to relaunch negotiations — without preconditions — that address the permanent-status issues: security for Israelis and Palestinians, borders, refugees and Jerusalem. The goal is clear: two States living side by side in peace and security: a Jewish State of Israel, with true security for all Israelis, and a viable, independent Palestinian State with contiguous territory that ends the occupation that began in 1967 and realizes the potential of the Palestinian people." (*A/64/PV.3*)

Special Envoy George Mitchell has just returned from another trip to the region, working to create the context for a prompt resumption and early successful conclusion of negotiations between the parties. I wish to place in clear contrast two dramatically different visions for the road ahead: the road of statehood and the road of conflict.

The Palestinian Authority and President Abbas are constructing the basis for a viable and responsible Palestinian State. They have been making steady and significant progress towards that goal. We have welcomed Prime Minister Salam Fayyad's development of a detailed two-year plan to develop institutional capacity. We supported the deployment of over 2,000 Palestinian security personnel to the West Bank, after they completed their training in Jordan, with another 500 on the way.

We have also welcomed the recent increases in economic activity and in the quality of life in the West Bank. Israel has taken constructive steps to facilitate that progress. It has removed key checkpoints and eased conditions at others and has withdrawn troops to the outskirts of four cities. Those initial steps show that Israelis and Palestinians can make practical progress by working together towards the same goals.

Much more, however, needs to be done. Israel should stop settlement activity and dismantle outposts. The United States does not accept the legitimacy of continued Israeli settlements. Israel should further ease access and movement and facilitate economic growth in the West Bank. Palestinians, for their part, should continue efforts on security, reform of governance institutions and ending incitement. And all parties, including Arab States, need to move forward to relaunch negotiations as soon as possible.

Then, there is the road of conflict. Hamas's behaviour continues to fall short of the principles long outlined by the Quartet: renunciation of violence, recognition of Israel and acceptance of previous agreements between the parties. In the month of September alone, 13 rockets and mortars were fired indiscriminately at civilian communities in Israel from Hamas-controlled Gaza, and there were dozens of other attacks along the boundary. Terrorist attacks of that nature are not a form of resistance. They represent a threat to international peace and security, and they were the cause of the conflict between Israel and Hamas last winter. That path will never lead to the fulfilment of Palestinian aspirations for an independent State.

A further danger to international peace and security that we note with very great concern is the continuing presence of armed groups, including Hizbullah, in Lebanon. Armed elements and their assets and weapons in south Lebanon pose a similar threat to those who work diligently for peace and security in that country. The explosion in Tayr Filsay, taken alongside the earlier explosion in Khirbat Salim, signals yet another weapons-related violation of Security Council resolution 1701 (2006). It should be a source of deep concern to all of us. We look forward to the report of the Department of Peacekeeping Operations for detailed information on this latest serious incident.

We continue to strongly support the full implementation of Security Council resolutions 1701 (2006) and 1559 (2004), including their calls for all arms in Lebanon to be brought under State control and the delineation of Lebanon's borders. The people of Lebanon deserve to reap the benefits of a Government whose services and authority extend throughout the land.

Lest we sow the seeds of another conflict, all United Nations Members must also fulfil their

responsibility to prevent the smuggling of arms into Gaza. We also continue to call for the immediate release of Gilad Shalit. At the same time, just as we defend Israel's right to self-defence, we cannot accept the continuing humanitarian crisis in Gaza. The people of Gaza must have hope for a better future and know that the international community hears their concerns. We call for a reopening of the crossings, with an appropriate monitoring regime to allow for the entry of legitimate goods into Gaza.

On the matter of the report of the United Nations Fact-Finding Mission on the Gaza Conflict that was requested by the Human Rights Council in Geneva (A/HRC/12/48), the allegations of human rights and humanitarian law violations contained therein are not a matter for Security Council action. We continue to have serious concerns about the report: its unbalanced focus on Israel, the overly broad scope of its recommendations and its sweeping conclusions of law. Nevertheless, we take the allegations in the report seriously. Israel has the institutions and the ability to carry out serious investigations of those allegations and we encourage it to do so. Hamas is a terrorist organization and has neither the ability nor the willingness to examine its violations of human rights.

Finally, we urge all Arab States to take steps in the spirit in the Arab Peace Initiative towards building relations with Israel, including ceasing harsh rhetoric in the international organizations and other forums. Arab Governments can also promote progress by supporting the Palestinian Authority under President Abbas, both politically and financially, thus helping to improve conditions for all Palestinians throughout the West Bank and Gaza. With patience and determination, we can assist all people in the region to construct a new and better future and to realize the peace and stability that they deserve.

Mr. Rugunda (Uganda): I thank you, Mr. President, for organizing this open debate. I also thank Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his comprehensive briefing. My delegation welcomes the participation of the Minister for Foreign Affairs of Palestine and the Permanent Representative of Israel.

We recall that in January, the Council unanimously adopted resolution 1860 (2009), which provided an opportunity for all parties in the Middle East to engage and find a lasting solution to the Middle East question. I wish to reiterate Uganda's full support for that resolution and call for its full implementation.

Uganda welcomes the statement issued by the Quartet following their meeting of 24 September 2009 in New York on the sidelines of the General Assembly. We also welcome the first tripartite meeting of President Barack Obama, Prime Minister Benjamin Netanyahu and President Mahmoud Abbas, on the sidelines of the General Assembly. We hope that these meetings will give renewed impetus to restarting the negotiations process aimed at achieving a just and lasting solution with the two States, Israel and Palestine, living side by side in peace and security. To that end, we look forward to seeing practical steps on the ground towards the resumption of negotiations. We are encouraged by the commitment of the Palestinian Authority to rebuild State institutions. We commend Egypt and others for the role they have continued to play aimed at promoting intra-Palestinian dialogue. We call on all Palestinians to resolve their differences within the framework of an intra-Palestinian dialogue so as to achieve unity.

My delegation welcomes the removal of checkpoints and roadblocks in the West Bank and commends the Israel-Palestinian ministerial contacts on the economic situation in the West Bank. On Gaza, we also welcome the opening of commercial points by Israel, but regret that the blockade remains in place. We therefore call for the complete lifting of the blockade and for a freeze on all settlement activity, including natural growth. We also call for an end to arms smuggling into Gaza.

We are concerned about the recent clashes over the Holy Sites in East Jerusalem. We call on all sides to exercise maximum restraint and stop any incident, incitement or provocation. We also call for the release of all political prisoners.

Uganda welcomes the release of the Goldstone report on 15 September 2009. We note with grave concern the findings in the report of serious violations of human rights and international humanitarian law that were committed during the Gaza conflicts. We also note the recommendations in the report addressed to a number of United Nations organs, Israel, the Palestinian armed groups, the Palestinian authorities and the international community on various issues. We further note that the report was formally presented to the Human Rights Council on 29 September and that a

decision was taken to defer its consideration. We are, however, concerned that the decision to defer consideration of the report has heightened tension in the Palestinian Territory, which, if not checked, could escalate and negatively affect the peace process. Uganda therefore welcomes the decision of the Human Rights Council to reschedule early consideration of the report.

Uganda calls on all parties in the Middle East to take concrete steps to restart peace negotiations and to respect previous agreements and undertakings. Uganda will continue to support the efforts by all parties to achieve comprehensive peace in the Middle East as envisaged in resolution 1850 (2008).

On Lebanon, my delegation is concerned about incidents that continue to occur and are likely to heighten tension in the region. We call upon all parties to fully implement resolution 1701 (2006).

Mr. Apakan (Turkey): First of all, I wish to join others in thanking Mr. Pascoe, Under-Secretary-General for Political Affairs, for his briefing. Turkey also aligns itself with the statement to be delivered by Sweden on behalf of the European Union.

We are once again going through a crucial stage in the Middle East. We fully support the efforts to reactivate the Middle East peace process on all tracks and will contribute to them in any way we can. A serious and active engagement between the parties has become a matter of urgency in the absence of any functional political process in the region for a long time.

At this stage, upholding the framework of peace as embodied in the relevant Security Council resolutions, Madrid Principles, Arab Peace Initiative and the Road Map obligations is important for serious negotiations. However, we see two main challenges to the current efforts. The first one relates to the core issues. It is a well-established norm in the Middle East peace process that the core issues, including refugees and Jerusalem, are subject to final status negotiations and should not be undermined by unilateral acts. It is therefore very important that Israel cease its settlement activities in the West Bank and East Jerusalem, as well as measures and actions that could change the character and status of Jerusalem.

The recent incidents in and around Haram Al-Sharif have shown us, yet again, the sensitivity and importance of Jerusalem. Here, let me express our concern regarding the tension in the city and the region beyond, which carries the potential of poisoning the atmosphere and harming the peace efforts. The protection of the sacred nature of Haram Al-Sharif and the cultural and religious fabric of Jerusalem is a matter of utmost priority and importance for Turkey.

It is with this understanding that we invite all parties, starting with Israel, to act responsibly and to refrain from any provocative action at a time when efforts are concentrated on reactivating the peace process. Respect for holy places is one of the key elements of stability in the Middle East.

Secondly, the situation in Gaza continues to be a matter of grave concern for Turkey. We have repeatedly stressed the fact that the current situation in Gaza is unacceptable. The hostilities at the beginning of this year traumatized Gaza with a heavy death toll of more than 1,000 — most of whom were women and children. Since then, the Palestinians in Gaza have been facing formidable suffering and hardship.

Time does not itself heal all sorrows. Despite the large number of pledges made at Sharm el-Sheikh last March, only a small quantity of aid and material was able to trickle into Gaza owing to the restrictions imposed at the crossings.

In spite of our repeated appeals, resolution 1860 (2009) has not been implemented. Today, the people in Gaza continue to suffer without proper reconstruction, socio-economic activity or humanitarian assistance. As part of this picture, we view the report of the Fact-Finding Mission led by Justice Goldstone as a document that sheds light on the Gaza conflict. The report is a comprehensive document containing pertinent points and observations and addressing all alleged violations.

We think that the report and its recommendations should be taken seriously and should be allowed to follow their course. In this respect, we take the following two principles as our departure point: first, we should uphold accountability. We need to ascertain the facts and take action accordingly. Secondly, we need to act with coherence. Ensuring consistency has always been one of the key requirements, when the international community tackles such issues.

We also agree with the understanding that, if the parties conduct credible investigations on the violations as suggested in the report, that would serve

as a necessary and important confidence-building measure that would contribute to efforts in the political field. It is our sincere hope that the findings and conclusions of the report will create an opportunity to put an end to the deprivation and dramatic conditions that the people of Gaza are currently going through.

Let me also emphasize the importance of Palestinian unity. We hope that Palestinian groups can reach a common understanding as soon as possible. This is crucial for social harmony in Palestine as well as for the Middle East peace process. We greatly appreciate President Abbas' efforts to this end.

On the subject of Lebanon, in the wake of recent high-level visits to the region, we believe that a Government under the leadership of Mr. Hariri, embracing all segments of the Lebanese people, can be established sooner rather than later. We continue to facilitate and contribute to the issues in our neighbourhood.

Every Israeli and Palestinian is entitled to freedom from fear. However, for a future free from fear and full of peace and prosperity, we need to establish confidence and never deviate from a focus on achieving a just, fair and lasting settlement. For our part, we continue to work for a viable and comprehensive peace on all aspects of the Middle East peace process.

Mr. Araud (France) (*spoke in French*): I should like to thank Under-Secretary-General for Political Affairs, Mr. Pascoe, the Palestinian Minister for Foreign Affairs, Mr. Malki, and the Permanent Representative of Israel, Ms. Shalev, for their statements. France aligns itself with the statement to be made by the Permanent Representative of Sweden on behalf of the European Union.

To begin, I should like briefly to address the matter of Lebanon, which is also on the Council's agenda. We support the Prime Minister-designate, Mr. Saad Hariri, and we hope that a Government will be formed quickly. The spirit of dialogue must continue to prevail among Lebanese parties. The countries of the region should, for their parts, also join forces to foment a climate conducive to the formation of that Government.

Moreover, it is essential that all parties respect resolution 1701 (2006). We will closely follow the review of the United Nations Interim Force in Lebanon (UNIFIL) that the Secretariat will conduct over the coming months in accordance with resolution 1884 (2009). We express our concern about the recent spate of incidents, which are simply violations of resolution 1701 (2006). On the subject of Monday's explosion in southern Lebanon, we await the results of the joint fact-finding mission of the Armed Forces of Lebanon and UNIFIL, which should help to clarify the circumstances of the incident. In any case, we underline our support for the complete implementation of resolution 1701 (2006), which calls on the Lebanese State to exercise its sovereignty over the entire Lebanese territory, so that no weapons can be situated in the country without its consent.

I turn now to the Israeli-Palestinian matter. I am not the first in the Council to say that rarely — in all likelihood never — has there been such an international consensus about the conditions for peace: the creation of a viable, independent and democratic Palestinian State, living peaceably side by side with Israel within secure and recognized borders, as set out in this Council's resolution 1515 (2003). Nevertheless, we still have to determine the way to take the steps leading to that goal and to do so fast. I will suggest three important steps.

First, progress on the ground is necessary to prevent people from losing all hope. In that regard Israel should stop settlement activities in the West Bank and also in East Jerusalem. They are illegal and a major obstacle to peace. As our President Sarkozy has said, the settlements obstruct the prospects for a Palestinian State, they do not contribute to security for Israel but rather increase its vulnerability.

A second important consideration is Jerusalem. After the clashes in recent days in the Holy City, we call upon the parties to show restraint, so as to avoid the immediate risk of an escalation, whose consequences cannot be predicted. We call upon the Israeli authorities to cease the demolition of houses and other expulsions in East Jerusalem. It is a fact that settlement in that city has taken on a particularly provocative aspect. There can be no peace without Jerusalem, which will be, as President Sarkozy said in his address to the Knesset on 23 June 2008, the capital of both States.

Complementary progress must also be made in the realm of movement and access. This is the case for, Gaza — and I will come back to this — but it is also

the case for the West Bank and East Jerusalem. The lifting by the occupying authorities of obstacles to movement around a number of large Palestinian cities constitutes a positive development that should be pursued.

All measures that allow for movement towards a normal life for the Palestinian population should be encouraged. Beyond their consequences in humanitarian matters these measures would also allow the Palestinians to face their responsibilities to build the institutions of their future State. Along these lines the Palestinian Authority should continue its efforts to strengthen its security sector and also to institute the rule of law. The continued fight, without quarter, against terrorism should remain a priority.

As regards the situation in Gaza — and this is my second point — the consolidation of the ceasefire that hinges on a full implementation of resolution 1860 (2009) remains a priority. This resolution has set the parameters for a lasting ceasefire, including the reopening of crossings and the implementation of mechanisms that will make it possible to put an end to weapons trafficking. These two conditions have not been met.

The humanitarian situation in Gaza is concerning. We call for an immediate opening of the crossings, especially to allow for access by civilians to humanitarian assistance and also for a resumption of economic activity. Beyond the humanitarian concerns the current closing of these crossings leads to the continuation of the status quo of the political situation in Gaza. Parallel to these efforts, we continue to call for immediate and unconditional release of Gilad Shalit. I should like to thank the delegations that mentioned the case of this prisoner.

As regards the Goldstone Report, its allegations are grave. Throughout the Gaza conflict brought on by the firing by Hamas on Israel, France has reiterated its unswerving position: international humanitarian law should be respected in all places, under all circumstances and by all parties to a conflict, particularly in Gaza and in southern Israel. We believe the parties should engage in a process of independent inquiry, in conformity with international standards, into allegations of violations of international humanitarian law and human rights during the Gaza crisis.

My third and last point has to do with inter-Palestinian reconciliation and the role of the neighbour States. Palestinians should speak with a single voice in order to put the peace process back on track. There cannot indeed be a peace accord with just one part of the Palestinian people, nor would there be a viable Palestinian State without Gaza. There cannot be peace without recognition of Israel's right to exist, without a renunciation of violence and without respect for signed peace accords. While negotiations towards inter-Palestinian reconciliation face many challenges, we continue to support the Egyptian mediation efforts, and we should also like to pay particular homage to those efforts.

The countries of the region, of course, have an important role to play. We will continue to provide all of our support to the Arab Peace Initiative. This should be an essential foundation of a global and lasting solution to the situation in the Middle East.

All measures and gestures by States of the region to demonstrate their commitment to a lasting peace — including, in particular, good-neighbourly relations with Israel — are to be encouraged. In the context of that regional approach, we also believe that the time has come to make progress on the Syrian and Lebanese tracks of the peace process. Such developments will amount to nothing, however, if the two parties do not resume their negotiations with a view to reaching a definitive peace settlement whose broad outlines are already known to us.

This is a matter of urgency, as President Sarkozy has recalled by stressing the urgency of settling a conflict that is not only regional, but also concerns the entire world. Tensions have increased in recent days in the Middle East, and we all feel that a spark could ignite a fire at any moment.

This is a matter of urgency, and the international community and the Council also have a major role to play, because the situation in the Middle East is pressing and concerns us all. We therefore support the efforts of the United States Administration. For their part, France and the European Union have expressed their willingness to support and facilitate the negotiations as much as necessary and to consider the guarantees required in a possible agreement.

It is now time to make concrete progress on the path of a just and comprehensive peace that is based on the Arab Peace Initiative, the Madrid principles and the Road Map and is in accordance with the relevant

Security Council resolutions. France is prepared to play its full role in such an effort.

To that end, President Sarkozy and President Mubarak have proposed the idea of a peace summit in the framework of the Union for the Mediterranean, which would accompany a resumption of peace negotiations between the two parties and would, of course, be organized in consultation with all parties involved.

Mr. Zhang Yesui (China) (*spoke in Chinese*): I thank you, Mr. President, for convening today's open debate. I would also like to thank Under-Secretary-General Lynn Pascoe for his briefing. We welcome the presence of the Minister for Foreign Affairs of the Palestinian National Authority and thank him for his statement. We also listened attentively to the statement made by the representative of Israel.

The Middle East question, including the question of Palestine and Israel, is a difficult issue that has been a focus of the Security Council since the founding of the United Nations. Despite the unremitting efforts of all parties concerned to achieve a settlement of the Middle East issue, the Middle East peace process has remained stagnant and the regional security situation unimproved. At present, what is most disconcerting to the States of the region — and, for that matter, to the entire international community — is the grave humanitarian situation in the occupied Palestinian territory, including Gaza.

Following the issuance of the report of the Fact-Finding Mission established by the Human Rights Council (A/HRC/12/48), the miserable plight of those living in Gaza is once again the object of much attention on the part of the international community. Nine months have elapsed since the adoption of Security Council resolution 1860 (2009), yet it has yet to be fully and effectively implemented, and there has been no progress in the reconstruction of Gaza. The people of Gaza still find themselves in a difficult situation that continues to deteriorate.

The difficult situation of the Palestinians on the West Bank of the Jordan River is also a cause for concern. The Chinese Government expresses its deep concern and sympathy over the plight of the Palestinian people and its ongoing exacerbation. We hope that the Security Council will address this matter with great concern and take active steps to promote a settlement.

The current humanitarian situation in the occupied Arab territories, in particular the Gaza Strip, is unsustainable. The international community and the Security Council should follow it very closely and take practical measures to help reverse it. At this point, the international community should intensify its efforts in the following four priority areas.

First, all parties concerned should be urged to comply seriously and fully with resolution 1860 (2009) by establishing and maintaining a lasting ceasefire and avoiding any action that could cause tension or pose a threat to regional peace and security.

Secondly, Israel should respond in earnest to the appeals of the international community by opening all crossing points into Gaza and ensuring the unimpeded delivery of humanitarian assistance and reconstruction materials there, while the international community should expeditiously honour its commitment to assisting in Gaza's reconstruction. At the same time, Israel should freeze its activities related to settlements and the separation wall.

Thirdly, all parties should renounce the use of force and cease all acts of violence against civilians. We oppose all use of force against civilians. The excessive use of force is unacceptable. We support the Security Council in explicitly reiterating that all violations of international humanitarian law are intolerable and subject to prosecution. We appeal to all parties to abide by international humanitarian law and to maintain the necessary cooperation with the relevant United Nations agencies.

Fourthly, Palestine and Israel must honour their obligations under the Road Map and support the negotiated-settlement approach. The Quartet should play a more active role in pressing for an early resumption of peace talks between Palestine and Israel.

Achieving intra-Palestinian reconciliation is of the utmost importance in order to protecting the national interests of Palestine and to resuming the Middle East peace process. The international community should continue to support Egypt's efforts to that end.

The Middle East peace process is now at a crucial juncture. Fulfilling the vision of two States, Palestine and Israel, living side by side in peace is the only way to settle the Middle East question. We support the achievement of the two-State option on the basis of the

relevant Security Council resolutions, the Arab Peace Initiative and the principle of land for peace, in order to ensure that the Palestinian people will be able to establish an independent and viable State.

Mr. Mayr-Harting (Austria): Austria would like to thank Under-Secretary-General Lynn Pascoe for his update on recent developments in the Middle East. We also thank the Palestinian Foreign Minister, His Excellency Mr. Riad Al-Malki, and the Permanent Representative of Israel for their statements and their presence here today.

Austria fully aligns itself with the statement to be delivered by the representative of Sweden on behalf of the European Union.

Peace negotiations between Israel and the Palestinians must be urgently resumed. That was one of strongest messages that came out of the general debate of the General Assembly this year. We appeal to Israel and the Palestinians to remove the remaining obstacles to negotiations by acting on their previous agreements and obligations. As Austrian Foreign Minister Michael Spindelegger stated during the general debate and reiterated today at his meeting with Israeli Foreign Minister Liberman in Vienna, Israel's right to exist in security and peace and the realization of the rights of the Palestinian people are not in contradiction; on the contrary, both are crucial elements of a comprehensive and just solution.

The creation of an independent, democratic, contiguous and viable Palestinian State comprising the West Bank and Gaza — a State of Palestine that lives in peace and security with the State of Israel — is indispensable for stability and peace in the wider region. After decades of violence and hostility, partners in the region need to shoulder their respective responsibilities in the interest of a credible and sustainable solution.

We need to see an immediate end to all construction of settlements, including in East Jerusalem; the dismantlement of the outposts erected since 2001; and an end to all other activities that may prejudge the outcome of negotiations. In view of recent incidents around the holy sites in Jerusalem, incidents to which others have already referred in the course of this debate, we urge all sides to seek to defuse tensions by exercising the utmost restraint both in deeds and in words.

Implementing the vision of a Palestinian State requires unity of purpose among the political leadership of the Palestinian people, and common renunciation of violence. Palestinian reconciliation is vital. We urge Palestinian leaders to work together to overcome the separation between the West Bank and Gaza in order to preserve the chance of viability for a future homeland for the Palestinian people. The viability of a future Palestinian State also depends on continuous, vigorous efforts by the Palestinian Authority to strengthen its institutions and enforce the rule of law, both in the interests of the citizens of a future Palestinian State and in order to address the legitimate security concerns of its neighbour Israel.

We welcome the national plan presented by Prime Minister Fayyad for the build-up of Palestinian institutions and infrastructure over the next two years. Austria will continue to help establish the economic foundation and institutional infrastructure of a future Palestinian State, both bilaterally and in the framework of the overall efforts of the European Union. Normal economic activity in both the West Bank and Gaza is essential for funding these self-empowerment efforts. This is another reason why we call on Israel to stop the construction of the separation barrier on occupied territory and to reinforce the removal of obstacles to movement and access in the West Bank. It is also imperative that access to Gaza be opened urgently.

Let me add that violent incidents such as the indiscriminate firing of rockets and mortars at Israel must come to an immediate and sustained end, as called for in resolution 1860 (2009). We respect the legitimate Israel security concerns on this point. At the same time, we also believe that continuing to prevent access to Gaza may also turn out to be counterproductive from a security point of view, since people in Gaza are required to live a life that does not satisfy basic conditions of human dignity. A life of continued desperation, hopelessness and deprivation provides a breeding ground for further extremism.

As the Human Rights Council prepares to reconvene tomorrow to discuss the situation in the occupied Palestinian territory and East Jerusalem, I would like to make the following observations regarding the United Nations Fact-Finding Mission on the Gaza Conflict, from an Austrian point of view. Rebuilding trust and respect for the rule of law, in all contexts of conflict, requires thorough and credible investigation of all allegations of grave violations of

international humanitarian law and human rights law. Measures to ensure accountability are an essential part of a comprehensive approach to preventing future violations, avoiding their recurrence and seeking sustainable peace, justice, truth and reconciliation.

The Fact-Finding Mission's report (A/HRC/12/48) contains allegations of grave violations by all sides of international humanitarian law, including deliberate attacks on civilians. Austria remains committed to a serious assessment by the Human Rights Council of the report and its recommendations, which are addressed to Israel and to Palestinian actors. The Goldstone report should be used as the starting point for appropriate and credible investigations by all parties in accordance with international standards. The Human Rights Council will have to decide on the appropriate follow-up, and we believe it should take this very important and sensitive decision on the basis of the broadest possible consensus.

Regarding Lebanon, we hope that the process of the formation of a new Government will soon come to a successful conclusion. Austria is concerned about reports regarding the incident in Tayr Filsi on 12 October. While awaiting the results of the investigation launched by the United Nations Interim Force in Lebanon (UNIFIL) and the Lebanese Armed Forces, we wish to reiterate the importance of full compliance with resolution 1701 (2006) by all parties. In this context, we strongly encourage the reinforcement of efforts to ensure that the area south of the Litani River is kept free of unauthorized armed personnel, assets and weapons.

In concluding, we wish to reiterate our sincere hope for the early success of international efforts to relaunch peace negotiations between Israel and the Palestinians, and for progress towards a comprehensive peace between Israel and all its neighbours. Austria, both nationally and within the framework of the European Union, is ready to support this process actively.

The President: I shall now make a statement in my national capacity.

I join other Council members in thanking Under-Secretary-General Lynn Pascoe for his detailed briefing. We also welcome the participation in today's Council meeting of His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of Palestine, and of the Permanent Representative of Israel. My delegation associates itself with the statement to be delivered by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

Over the past month, further efforts have been made by the international community towards the resumption of negotiations aimed at achieving a two-State solution to the Israel-Palestine conflict. Such collective undertakings have been reflected in a series of events at various levels and within various frameworks during the period under review, including those held on the margins of the sixty-fourth session of the General Assembly, such as the meetings of the Ad Hoc Liaison Committee for the Coordination of International Assistance to Palestinians, of the Quartet principals and of the League of Arab States Follow-up Committee on the Arab Peace Initiative, as well as among the leaders of the United States, Palestine and Israel. We can also note that, under difficult circumstances, the Palestinian National Authority has continued efforts to strengthen socio-economic stability, security sector reform and functional institutions for a future State.

The peace process, however, remains clouded with persistent challenges. Though substantive progress has been recorded in implementing Council resolutions 1850 (2008) and 1860 (2009), Israeli military incursions, the construction of the separation wall, the expansion of settlements and the blockade of Gaza have never ceased, inflicting vast deprivations on the Palestinian civilian population. Sporadic rocket attacks have placed civilians in southern Israel under continuous threat.

It is essential in this context that all parties concerned should try to shoulder their mutual obligations under the Road Map, the Madrid terms of reference, the Arab Peace Initiative and relevant Council resolutions. Constructive dialogue and political negotiations remain the only viable solutions. We urge Israel to immediately halt illegal settlement activity, dismantle outposts erected since March 2001, open all border crossings, release all Palestinian prisoners and ensure unhindered access for humanitarian assistance. We also urge Palestinian factions to set store by their long-term national interests, resolve their differences through reconciliation and jointly work towards the establishment of a government of national unity.

We note with deep concern the findings contained in the report (A/HRC/12/48) prepared by the United

Nations Fact-Finding Mission on the Gaza Conflict, which was established by the Human Rights Council, to the effect that Israel seriously violated international human rights and humanitarian law during the conflict and failed to extend the required cooperation to the Mission, and that the rocket and mortar attacks caused loss of life and property damage to southern Israeli communities.

My delegation believes it is legitimate that the report should receive due attention and consideration by the pertinent United Nations agencies and the parties involved. Given the extremely explosive nature of the regional situation, and in the interests of peace and justice, we underline that the greatest imperative for all parties concerned is to stop all acts of violence and strictly comply with international humanitarian and human rights law, as well as to observe the paramount priority of ensuring safety and security for all civilians and for diplomatic and United Nations premises and personnel.

We share the concern about the delay in the formation of a new Government in Lebanon after the parliamentary elections last June. We hope that negotiations will soon be concluded in a spirit of consideration and dialogue in order for a new Government to be formed, representing the interests of all communities in Lebanon.

At the same time, we welcome the efforts being made by the Lebanese authorities, in cooperation with the United Nations Interim Force in Lebanon (UNIFIL), to defuse the tension brought about by the recent multiple security incidents in southern Lebanon. We urge Israel to cease flights over Lebanese territory and withdraw from the northern part of the village of Ghajar and adjacent areas north of the Blue Line. We reiterate our support for UNIFIL and the full implementation of resolution 1701 (2006).

Finally, Viet Nam stands ready to join the international community's unremitting efforts towards a peaceful settlement of the Israel-Palestine and Arab-Israel conflicts and the ultimate attainment of a just, comprehensive and lasting peace in the Middle East. In that spirit, we continue to support Russia's initiative to convene an international conference on the Middle East in Moscow before the end of this year.

I now resume my functions as President of the Council.

There are a number of speakers remaining on my list for this meeting. In view of the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3.10 p.m.

The meeting was suspended at 1.10 p.m.